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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,691	02/27/2002	Peter W. Utecht	878	6392

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Donald J. Ersler
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EXAMINER

HAUGLAND, SCOTT J

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 06/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/084,691

Applicant(s)

UTECHT ET AL.

Examiner

Scott Haugland

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☒ Interview Summary (PTO-413) Paper No(s). 2.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9-11 and 15-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 9, line 3, the axle previously recited in parent claim 8, line 9 is reclaimed. In claim 11, lines 4-5, "said pair of roller bearings" lacks antecedent basis. Only a single roller bearing was previously claimed. Claim 15 is purported to recite a method of cleaning, but no cleaning steps are recited. Claims 16-19 are inconsistent since the preamble requires method steps to follow it and only structure is recited. Claims 16-19 do not recite any method steps.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3654

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 8-10, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Egerstrom.

Egerstrom discloses a hydraulic reel comprising a base frame 18,20, a reel base 76 including upright members 84, a reel 28 holding a length of hose 44, and a hydraulic motor 62. The reel 28 is supported by a hollow axle 38 having a hose outlet (the portion of hose 44 between axle 38 and jointing means 50). The reel has an opening 46 through which the hose passes for connection to the hose outlet. See Fig. 2. One end of the axle is sealed. A rotary union 60 attached to the other end. A pair of bearings (see claim 3 of Egerstrom) supports the axle on the reel base. The apparatus includes hose guide 120, one end of which extends from the reel base. A pulley 148 is mounted on the other end. The reel apparatus of Egerstrom is seen to be adapted for attachment to a skid steer vehicle. The base frame is capable of being attached to a skid steer vehicle.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3654

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 6, 11, 13, and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Egerstrom.

Egerstrom discloses a hydraulic reel comprising a base frame 18, 20, a reel base 76 including upright members 84, a reel 28 holding a length of hose 44, and a hydraulic motor 62. The reel 28 is supported by a hollow axle 38 having a hose outlet (portion of hose 44 between axle 38 and jointing means 50). The reel has an opening 46 through which the hose passes for connection to the hose outlet. See Fig. 2. One end of the axle is sealed. A rotary union 60 attached to the other end. A pair of bearings (see claim 3 of Egerstrom) supports the axle on the reel base. The apparatus includes hose guide 120 one end of which extends from the reel base. A pulley 148 is mounted on the other end. The reel apparatus of Egerstrom is seen to be adapted for attachment to a skid steer vehicle. The base frame is capable of being attached to a skid steer vehicle.

Egerstrom does not disclose that the bearings supporting the reel axle are roller bearings and does not disclose a hydraulic valve controlling flow of hydraulic oil to the reel motor or a skid steer vehicle.

With regard to claims 4 and 11, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use roller bearings to support the reel since it is old and well known to use roller bearing to support rotary shafts with minimal friction and wear. With regard to claims 6, 13, and 19, it would have

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been obvious to provide the reel apparatus of Egerstrom with a hydraulic valve for controlling flow of hydraulic oil to the hydraulic motor 62, such valves being well known in the art for controlling operation of motors. With regard to claim 15, it would have been obvious to provide a well known skid steer vehicle to handle material associated with the work site at which the Egerstrom vehicle is used or to use a skid steer vehicle in lieu of the supporting vehicle of Egerstrom to allow for use on terrain offering poor traction and to permit greater maneuverability. Claims 15-19 do not require any more cleaning than would be performed by the resulting combination when used in its usual and expected manner.

Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Egerstrom as applied to claims 1 and 8 above, and further in view of Cochran, et al.

Egerstrom does not disclose top retention plates or slotted retention plates attached to the base frame.

Cochran, et al teaches providing a device 18 with top retention plates 20 and lower slotted retention plates 24 to quickly and easily attach the device 18 to a skid steer vehicle for manipulation of the device.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Egerstrom with means including top retention plates and slotted retention plates to quickly and easily attach the base frame to a skid steer vehicle to allow it to be transported on terrain offering poor traction and to permit greater maneuverability.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Crocker is cited to show a hose reel having a rotatable fluid connection associated with the reel. Heppelmann, et al is cited to show a loader-mounted reel. Masters, Fisco, Jr., Kehr, Schmidt, Jr., et al, O'Brien, et al, and Bohrer are cited to show a hose reels for use in pipe cleaning. Reynolds, et al is cited to show a vehicle-mounted reel for fluid carrying conduit including conduit guide means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (703) 305-6498. The examiner can normally be reached on Monday - Thursday and every second Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703) 308-2688. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

SJH
SJH
May 15, 2003

Kathy Matecki
KATHY MATECKI
SUPERVISORY PATENT EXAMINER
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